

C. S. S. B. No. 260, A bill to be entitled "An Act amending Chapter 61, Section 9, Acts 1929, 41st Legislature, 2nd C. S., page 100; as amended Acts 1943, 48th Legislature, page 482, Chapter 323, Section 1 (Article 881-a-9, Vernon's Revised Civil Statutes), so as to change the amount of filing fees to be paid annually by Savings Building and Loan Associations; and declaring an emergency."

S. B. No. 419, A bill to be entitled "An Act to amend Section 1 of Senate Bill No. 61, Acts of the Fifty-first Legislature, making an emergency appropriation for the Texas Prison System; and declaring an emergency."

C. S. S. J. R. No. 4, Proposing an amendment to the Constitution of the State of Texas, by amending Section 19 of Article 16, so as to provide that the qualification of no person to serve as a juror on grand juries and on petit juries in civil cases, shall be denied or abridged on account of sex, and providing that the Legislature may prescribe that only males are eligible on petit juries in criminal cases; providing that existing provisions of the Constitution shall be construed in conformity herewith; providing for the submission of this amendment to a vote of the people of Texas; providing the time, means and manner thereof, and making an appropriation for such purpose.

H. C. R. No. 40, Granting T. E. Hall permission to sue the State.

Report of Standing Committee

By unanimous consent, the following report was submitted at this time:

Senator Carney submitted the following report:

Austin, Texas,
May 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred S. B. No. 487, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Recess

Senator Kelley of Hidalgo moved

that the Senate recess until 10:30 o'clock a.m. tomorrow.

Senator Vick moved that the Senate recess to 2:30 o'clock p.m. today.

Question first recurring on the motion to recess until 10:30 o'clock a.m. tomorrow, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—25

Akin	Lane
Ashley	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Cousins	Morris
Hardeman	Proffer
Harris	Shofner
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Nays—5

Bell	Strauss
Corbin	Vick
Hazlewood	

Absent—Excused

Phillips

The Senate accordingly at 12:25 o'clock p.m., took recess until 10:30 o'clock a.m. tomorrow.

FIFTY-THIRD DAY (Continued)

(Wednesday, May 25, 1949)

AFTER RECESS

The Senate met at 10:30 o'clock a.m. and was called to order by the President.

Senate Bill 97 with House Amendments

Senator Kelly of Tarrant called S. B. No. 97 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate and the House amendments were read.

Senator Kelly of Tarrant moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Harris	Proffer
Hudson	Shofner
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent

Bullock	Strauss
Hardeman	Taylor
Hazlewood	

Committee to Escort Honorable H. R. Cullen to the Joint Session

Pursuant to S. C. R. No. 53, the President announced the appointment of the following committee on the part of the Senate to escort Hon. H. R. Cullen to the joint session to accept a portrait of Ezekiel Cullen, to be held at 11:00 o'clock a.m. today:

Senators Bracewell, Weinert, Lock, Ashley and Cousins.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Aikin submitted the following reports:

Austin, Texas,
May 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 287, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
May 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 651, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
May 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 683, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

AIKIN, Chairman.

Austin, Texas,
May 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 808, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

AIKIN, Chairman.

Austin, Texas,
May 25, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 70, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee Substitute in lieu thereof do pass and be printed.

AIKIN, Chairman.

C. S. H. B. No. 70 was read first time.

Senator Kelly of Tarrant submitted the following reports:

Austin, Texas,
May 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 928, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLY of Tarrant, Chairman.

Austin, Texas,
May 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 929, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLY of Tarrant, Chairman.

Austin, Texas,
May 25, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 207, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLY of Tarrant, Chairman.

Senator Corbin submitted the following report:

Austin, Texas,
May 25, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred H. B. No. 920, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CORBIN, Chairman.

Senator Moffett submitted the following report:

Austin, Texas,
May 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred H. B. No. 35, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and

be printed.

MOFFETT, Chairman.

Bills Ordered Not Printed

On motion of Senator Vick, it was ordered that House Bills Nos. 928 and 929 be not printed.

House Bill 705 on Passage to Third Reading

The President laid before the Senate as the unfinished business on its passage to third reading:

H. B. No. 705, A bill to be entitled "An Act creating a State Youth Development Council for the protection, care, and training of children and youth of the State and, among other things, defining its powers, duties, functions and relations with other agencies, officers, and courts, and their corresponding duties and powers; etc., and declaring an emergency."

The bill having been read second time on yesterday (in lieu of S. B. No. 244, containing the same substance matter) with an amendment by Senator Proffer pending.

Question—Shall the amendment be adopted?

Question recurring on the amendment, it was adopted.

Senator Proffer offered the following amendment to the bill:

Amend House Bill No. 705, Section 4, Subsection (a) by striking out all of said Subsection (a) and inserting in lieu thereof the following:

"Section 4 (a). There is hereby created a State Youth Development Council to consist of fourteen members selected as follows: Six members, who are influential citizens in their respective communities and recognized for their interest in the welfare of youth, shall be appointed by the Governor with the consent of the Senate, provided that citizens of Texas now serving as members of Boards or Commissions of the State may be eligible for appointment to this Council, service on said Council to be considered as an extension of their other official duties; and eight State Officers—the Chairman of the State Board of Control, the Executive Director of the State Department of Public Welfare, the State Superintendent of Public Instruction, the Di-

rector of the State Department for Vocational Education, the State Health Officer, the Director of the Texas Department of Public Safety, the Executive Secretary of the State Parks Board, and the Chairman of the Texas Employment Commission, shall serve ex officio, the service by such State officials on the Council to be considered as additional duties of their present offices, and not as a separate office or employment."

The amendment was adopted.

Senator Proffer offered the following amendment to the bill:

Amend House Bill No. 705, Section 4, Subsection (b) by striking out all of Subsection (b) and inserting in lieu thereof the following:

"(b). The duties of the six appointed members first mentioned, in addition to serving as regular members of the Council, will be to provide the essential liaison with the public to enlist its support and participation, to channel the public's suggestions to the Council, and to keep the Council's sights trained on the major needs and problems of Texas youth. The term of office of the six appointed members shall be 6 years except that initially two members shall be appointed for a 6-year term, two members for a 4-year term, and two members for a 2-year term. Said members shall be eligible for reappointment. A vacancy for an unexpired term shall be filled by the Governor with the consent of the Senate."

The amendment was adopted.

Senator Proffer offered the following amendment to the bill:

Amend House Bill No. 705, Section 4, Subsection (c) by striking out all of said Subsection and substitute in lieu thereof the following:

"The two persons employed by the Council shall serve at the pleasure of the Council and shall perform such duties as shall be designated by the Council. Said employees shall devote full time to the work of the Council and shall receive an annual salary not to exceed \$7,000.00."

The amendment was adopted.

Senator Proffer offered the following amendment to the bill:

Amend House Bill No. 705, Section 5, Subsection (a) by striking out the last sentence of said Subsection (a).

The amendment was adopted.

Senator Proffer offered the following amendment to the bill:

Amend House Bill No. 705, Section 5, Subsection (c) by striking out all of said Subsection (c) and inserting in lieu thereof the following:

"(c) The powers and duties of the Council in respect to placement for training and treatment, transfer, release under supervision, and discharge of delinquent children committed to the Council shall be exercised and performed by the Executive Committee and may be delegated to the Executive Secretary. The Executive Secretary may delegate the powers and duties vested in him by this Subsection to any member or employee of the Council, or State employee designated by the Council."

The amendment was adopted.

Senator Proffer offered the following amendment to the bill:

Amend House Bill No. 705, Section 8, by striking out said Section and inserting in lieu thereof the following:

"Section 8. Transfer of Training Schools and other facilities. The Council shall succeed to and be vested with all rights, powers, duties, facilities, personnel, records, and appropriations for the care and custody of dependent and delinquent children now held by the Board of Control, including the Gatesville State School for Boys, the Gainesville State School for Girls, the Brady State School for Negro Girls, the Waco State Home and the State Orphans Home."

The amendment was adopted.

Senator Proffer offered the following amendment to the bill:

Amend House Bill No. 705 by striking out all of Section 40 and inserting in lieu thereof the following:

"All laws and parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict only."

The amendment was adopted.

Senator Proffer offered the following amendment to the bill:

Amend House Bill No. 705, Section 41, by striking out the words "for the purpose of the appointment of the two full-time members of the Council."

The amendment was adopted.

On motion of Senator Proffer and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was passed to third reading.

House Bill 705 on Third Reading

Senator Proffer moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 705 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Ashley	Lock
Bell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Taylor
Jones	Tynan
Kelly of Tarrant	Vick

Nays—4

Hardeman	Strauss
Lane	Weinert

Absent

Aikin	Kelley of Hidalgo
Bracewell	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Hardeman asked to be recorded as voting "nay" on the final passage of the bill.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 25, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills and Resolutions:

May 24, 1949. The House has adopted the Conference Committee Report on House Bill No. 130 by a vote of 100 yeas, 18 nays.

H. C. R. No. 113, Suspending the Joint Rules for the purpose of allowing the House and Senate to take up and consider their local and untested Calendars on Wednesday or Thursday, May 25th and 26th, 1949.

H. B. No. 84, A bill to be entitled "An Act clarifying Chapter 467, H. B. 77, 44th Legislature, Regular Session, as the same has been amended, by amending the following sections of Article I of said Chapter 467, H. B. 77: 3-a, 11, 12, 13, 15, 15(a), 17, 30, 41(a) and 42; amending the following sections of Article II of said Chapter 467, H. B. 77: 3, 5, 19, 19-B, 20, 17, 24-A, and 24 of Article II; amending Article I of Chapter 467, H. B. 77 by adding thereto Sections 5(a), 36-½, 49, 50, 51, 52, 53, 54, 55, 56; amending Article II of Chapter 467, H. B. 77 by adding thereto Sections 28, 29, 30, 31, 32, 33, 34, 35, and 36; repealing Section 44 of Article I of Chapter 467, H. B. 77, and Section 5-A of Article II of Chapter 467, H. B. 77; and all laws in conflict herewith; and declaring an emergency."

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 92.

The following have been appointed on the part of the House:

Storey, Heflin, Perry of Brazoria, Jameson, Stewart.

H. B. No. 3, A bill to be entitled "An Act to provide for the appointment of a Committee to revise, digest and recodify all the Election Laws of this State covering General, Special and Primary Elections; de-

fining their powers and duties and fixing the compensation of the members of said Committee; directing the Committee to embody their report in the form of a Bill for the adoption by the Legislature; authorizing the Committee to present said Bill to the Governor and the Legislature; and further authorizing and directing said Committee to prepare a supplemental report to be delivered to the Governor and the Legislature; and authorizing the publication of said Bill and supplemental report; and making an appropriation for the purposes defined in this Act and declaring an emergency."

H. J. R. No. 32, Proposing an amendment to Article I of the Constitution of the State of Texas, by adding thereto another section following Section 15, providing that the right to jury trial in lunacy cases shall be the same as in ordinary civil cases, and further providing for waiver of a jury trial; further providing for the submission of this amendment to the voters of this State; prescribing the form of ballot; providing for the proclamation and publication thereof; and providing for the necessary appropriation to defray the necessary expenses for the submission of this amendment.

H. B. No. 813, A bill to be entitled "An Act providing for compensation of counsel appointed pursuant to law to defend persons in criminal cases, and declaring an emergency."

H. J. R. No. 38, Proposing an amendment to the Constitution of Texas by adding to Article XVI thereof a new Section to be numbered 63 and authorizing the Legislature to provide for a state-wide system of retirement and disability pensions for appointive officers and employees of the several counties of this State; providing that participation therein by counties shall be voluntary, and authorized by the qualified voters of such county, and providing that administration of said system may be committed to the same body set up to administer the state-wide municipal retirement system authorized under Section 51f of Article III.

H. J. R. No. 41, Proposing an amendment to Article IX of the Constitution of the State of Texas by adding

a new Section to be designated as Section 4, providing for counties to take over the full responsibility for the erection, construction, maintenance and support of a hospital or hospital system which may now be jointly operated by a county and a city; providing for the assumption of any bonded indebtedness that may be outstanding and having been issued by any such city; providing for a tax to be levied by the Commissioners' Court for the acquisition, construction and maintenance of such hospital or hospital system; providing for the appointment of a governing body of such hospital or hospital system; providing for an election to be held in the county in order to avail itself of the terms and provisions of this Amendment to the Constitution and authorizing counties generally, upon a vote of the qualified taxpaying voters, to establish a county hospital or hospital system where there is no hospital system jointly operated by a county and a city.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Bill and Resolution Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following bill and resolution:

H. B. No. 779, A bill to be entitled "An Act amending Chapter 457, Acts of the Fiftieth Legislature, by adding a new section at the end of Section 1 thereof to be numbered Section 1a; and declaring an emergency."

H. C. R. No. 111, Authorizing the enrolling clerk of the House to correct the caption of H. B. No. 779 to conform with the body of the bill.

Joint Session

(To Accept Portrait of Ezekiel
W. Cullen)

At 11:00 o'clock a.m., the President announced the arrival of the hour for a joint session for the presentation to the State of Texas of a portrait painting of Ezekiel W. Cullen, provided for in S. C. R. No. 53 and requested the members of the Senate to proceed to the Hall of the House of Representatives.

The Honorable Senators were announced at the bar of the House and were duly admitted and escorted to seats prepared for them along the center aisle.

On invitation of the Speaker, the President occupied a seat at the Speaker's desk.

The President called the Senate to order.

The Speaker called the House to order and ascertained and announced the presence of a quorum of the House.

Mr. and Mrs. Corbin Robertson, Governor Beauford H. Jester, Governor William P. Hobby, Mrs. Oveta Culp Hobby, Warren Bellows, Judge James A. Elkins, Dr. and Mrs. Mour-sand, J. A. Wilkins, John Freeman, John E. Price, J. H. Russell and Boris Gordon were announced at the bar of the House and were escorted to seats on the Speaker's rostrum by Senators Bracewell, Weinert, Lock, Ashley and Cousins on the part of the Senate and Representatives Heflin, Moore, Miller, Casey and Woodruff on the part of the House.

The Speaker presented Senator Searcy Bracewell, who introduced Mrs. Wilhemina Cullen Robertson, granddaughter of Mr. H. R. Cullen to the joint session and announced that she would unveil the portrait of her grandfather, Mr. Ezekiel W. Cullen.

Senator Bracewell then presented William P. Hobby, former Governor of Texas.

Governor Hobby then addressed the Joint Session as follows:

Governor Jester, Mr. President, Mr. Speaker, members of the Legislature, ladies and gentlemen:

Ezekiel W. Cullen left the comforts of civilization and prospects of a prosperous career in the state of Georgia to come to Texas in 1835.

The pioneering urge drove him westward, to make his home and seek his fortune in this great new land of golden promise. His objective and desire was to grapple with the hardships and dangers of a wild frontier and he did it well.

In Texas he volunteered to fight for Texas liberty, and followed grand

old Ben Milam in the storming and capture of Bexar. After Texas independence was won, he settled at San Augustine, one of the first Anglo-Saxon townships settled in Texas. And in 1838, the people there elected him to the Congress of the Republic.

That Congress met in the first permanent capitol of Texas, where the Rice hotel now stands, and it was there he struck the first telling blow for Texas education.

Ezekiel Cullen was a personal friend and admirer and political supporter of his fellow Georgian, Mirabeau B. Lamar, and thereby hangs a tale and a pretty one at that. He induced Lamar to come to Texas. He was a prime mover and organizer of Lamar's candidacy for president, and after his selection became his advisor and counsellor. President Lamar spoke famous words in his first message to the Texas Congress, of which Ezekiel Cullen was a member. In this frequently quoted message he said:

"It is admitted by all, that cultivated mind is the guardian genius of democracy, and while guided and controlled by virtue, the noblest attribute of man. It is the only dictator that free men acknowledge, and the only security which free men desire."

And so, he provided the leadership for carrying out President Lamar's recommendation to Congress, and laid the groundwork for free education. Lamar had the vision, and revealed it in his eloquent message to Congress. But it remained for Ezekiel Cullen to translate the dream into reality. This he did in his masterful report to Congress as chairman of the House committee on Education, and by getting the bill passed which carried out its recommendations.

That report, which paved the way for passage of the bill, immortalized Ezekiel W. Cullen in Texas history. He said in the report, and I ask you to listen to this:

"Nothing is so essential in a free government as the general diffusion of knowledge and intelligence of every kind. Education confers private happiness: It gives political strength and importance; it exalts the mind, refines the passions, polishes the manners, and promotes virtue; it is the foundation of civil and religious liberty and constitutes national strength and glory."

"Your committee views it as one of the first and paramount duties of Congress to provide a system of general education, and we should lay the foundation of it while it is in our power, by making suitable appropriations of the public domain . . . to establish primary schools and colleges, where every class can alike receive the benefits and blessings of education . . ."

No sounder principle of government was ever laid down or spoken more eloquently by any statesman of any age.

The Cullen Act gave 13,284 acres of land (three leagues) to each county "For the purpose of establishing a primary school or academy," and allocated 221,400 acres (fifty leagues) for the endowment of "two colleges or universities." The bill was passed and signed by President Lamar in January, 1839. Later laws were to increase the total donations of school lands to more than 4,000,000 acres, but the Cullen bill set the precedent and cut the pattern.

All of the public domain of the Republic was expressly reserved to the State of Texas and for the first time by a state when entering and becoming a member of the Union of States. This covenant was contained in the annexation agreement with the United States government in 1845. The public lands of the Republic under the Articles of Annexation became the public lands of the state. It preserved for the schools their rights to all lands granted them under the endowment system initiated by Ezekiel Cullen. Incidentally, laws of the Lone Star Republic defined the seaward boundary of Texas as extending three marine leagues or approximately 10½ miles from the shore. And the public domain within that area includes the oil-bearing submerged lands now worth a billion dollars or more to the public schools of this state. These are the tidelands the federal government is now seeking to grab from Texas in spite of that reservation. And grab is too mild a word to use in connection with this repudiation and this high-handed breach of faith on the part of the federal government.

At the conclusion of the address by Governor Hobby, Senator Bracewell introduced Mr. Corbin Robertson who read an address which was pre-

pared by Mr. H. R. Cullen for delivery to the Joint Session and which Mr. Cullen was unable to deliver on account of an illness preventing his attendance.

The text of the address as read by Mr. Robertson is as follows:

Governor Beauford Jester, Mr. President of the Senate, Mr. Speaker of the House of Representatives, Members of the Legislature of our great State of Texas:

Ladies and Gentlemen:

I wish to thank you for allowing me the privilege of presenting to you the portrait of my grandfather, Ezekiel W. Cullen. In doing so, you honor him and also our family. As a member of the Third Congress of the Republic of Texas, he had much to do with establishing the school system of this State, which system the legislature of Texas has from time to time expanded into our present fine schools and universities. I thank this Legislature for what it has done and is doing to perpetuate the plans of my grandfather to improve our school system.

I am especially grateful for what you are proposing to do in helping the Medical Center and the Dental School in Houston. Most of you know that Mrs. Cullen and I have helped to build the Medical Center and the University of Houston, and I assure you that it is our intention to continue to assist in the development of these two great institutions.

The University of Houston is an educational institution which, I believe, helps the poor or less fortunate youth of the land, who, otherwise, might not be able to get their education. The Medical Center, with the State University, Dental School and Baylor University, is also educational, but it is principally a health center, and in this health center I believe we will build the greatest research and scientific institution in the world, for the improvement of the health of the human race. None of these hospitals or schools are for the people of Houston alone; only five of the twenty-six graduates of the Texas Dental School this year originally came from Houston.

Governor Jester, I now, with pleasure, present to you and the Legislature, for our great State, this portrait of Ezekiel W. Cullen.

Mrs. Robertson then unveiled the portrait of Mr. Cullen.

Senator Bracewell presented Governor Beauford H. Jester who addressed the Joint Session and accepted the portrait of Mr. Cullen for the State of Texas.

At the conclusion of the address by Governor Jester, Senator Bracewell presented the members of Mrs. Robertson's distinguished party to the Joint Session.

The President announced the business of the Joint Session concluded and requested the Senate to retire to its chamber.

In The Senate

The President called the Senate to order at 11:55 o'clock a.m.

House Concurrent Resolution 113

The President laid before the Senate for consideration at this time:

H. C. R. No. 113, Suspending the Joint Rules to allow the House and Senate to take up and consider their local and uncontested calendars on Wednesday or Thursday, May 25th and 26th, 1949.

The resolution was read and was adopted.

Session for Local Calendar

On motion of Senator Lane, the Senate agreed to hold a session for the consideration of local and uncontested bills at 10:00 o'clock a.m. tomorrow.

Senate Concurrent Resolution 60

Senator Moore offered the following resolution:

S. C. R. No. 60, Granting A. V. Moore permission to sue the State.

Whereas, On or about the 29th day of October, 1947, Mrs. Alma B. Moore, wife of A. V. Moore, both of Brazos County, Texas, while driving in her automobile on State Highway No. 6, approximately five (5) miles south of Hearne, Texas, was struck by another vehicle operated by Joe B. Wilson, the alleged cause of the accident being the condition of the road brought about by the employees of

the State Highway Department; now therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That said A. V. Moore and Mrs. Alma B. Moore are hereby granted permission to sue the State of Texas and/or the Highway Department of the State of Texas, within a period of two (2) years after the effective date of this resolution, in any court in Texas having jurisdiction; and, be it further

Resolved, That service of citation and/or all other necessary processes may be had upon the Governor of the State of Texas or the Attorney General of the State of Texas at Austin, Texas, and that said suit shall be tried under the same rules of law, liability and evidence and in like manner as similar suits instituted against private corporations are tried; the State hereby waiving its immunities by reason of its sovereignty; however, it is understood that the purpose of this resolution is to grant permission to A. V. Moore and Mrs. Alma B. Moore to bring suit against the State of Texas and/or State Highway Department, and no admission of liability of the State is made by this resolution, and the facts as herein set out must be proved in Court.

The resolution was read and was referred to the Committee on Civil Jurisprudence.

Senate Bill 488 on First Reading

Senator Hudson moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Jones
Ashley	Kelly of Tarrant
Bell	Lane
Bracewell	Lock
Bullock	Martin
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss

Taylor
Tynan

Vick
Weinert

Absent

Hardeman McDonald
Kelley of Hidalgo

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Hudson:

S. B. No. 488, A bill to be entitled "An Act applicable to any city which has outstanding waterworks or waterworks and sewer system revenue bonds and which has on hand sufficient money to pay said bonds together with the interest thereon to the date when they become due or optional for prior payment and the contract premium if any; providing that any such city may deposit with the State Treasurer an amount sufficient to pay and for the purpose of paying all of said bonds with interest to their redemption date and the contract premium if any; providing that when such city shall have deposited moneys with the State Treasurer in accordance with this Act and after an authorizing election on the question, it shall have authority to issue additional revenue bonds in the manner and for the purposes provided in Articles 1111 to 1118, Revised Civil Statutes of Texas, 1925; securing them by a pledge of the revenues of the waterworks system or of the waterworks and sewer systems and in such other manner as is authorized by said law; providing for subsequent issues of revenue bonds subject to prescribed limitations; providing for the approval of such additional bonds by the Attorney General and prescribing the effect thereof; prescribing the duties of the State Treasurer as to the use of such deposited funds; providing that the official bond of the State Treasurer will protect such deposited fund and investments; containing a severability clause; making the Act cumulative but controlling when inconsistent with or in conflict with other laws; enacting other provisions relating to this subject; and declaring an emergency."

To Committee on Civil Jurisprudence.

Senate Concurrent Resolution 61

Senator Kelley of Hidalgo offered

the following resolution:

S. C. R. No. 61, Granting the Pacific Securities Corporation permission to sue the State.

Whereas, The Pacific Securities Corporation has paid a sum of Three Hundred Seventy-nine and 75/100 (\$379.75) Dollars Franchise Tax, under account No. F-3242, in excess of that which was legally owed by said corporation; and,

Whereas, Said taxes were paid through mistake by both the State and such corporation; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, That said Pacific Securities Corporation is hereby granted permission to sue the State of Texas and/or the Secretary of State and the State Treasurer of the State of Texas, within a period of two (2) years after the effective date of this resolution, in the District Court of Hidalgo County, Texas; and, be it further

Resolved, That service of citation and/or all other necessary processes may be had upon the Governor of the State of Texas or the Attorney General of the State of Texas at Austin, Texas, and that said suit shall be tried under the same rules of law, liability and evidence and in like manner as similar suits instituted against private corporations are tried; however, it is understood that the purpose of this resolution is to grant permission to Pacific Securities Corporation to bring suit against the State of Texas and/or the Secretary of State and the State Treasurer of the State of Texas, and no admission of liability of the State is made by this resolution, and the facts as herein set out must be proved in Court.

The resolution was read and referred to the Committee on Civil Jurisprudence.

Addresses Ordered Printed in the Journal

On motion of Senator Bracewell and by unanimous consent, the address of Governor William P. Hobby and the address prepared by Honorable H. R. Cullen and delivered by Mr. Corbin Robertson at the Joint Session today, were ordered printed in the Journal.

Senate Resolution 176

Senator Carney offered the following resolution:

Whereas, On May 3, 1949, Dr. J. R. McGee of New Boston, Texas, was chosen by the Texas Medical Association as the outstanding General Practitioner in the State of Texas for the year 1949; and

Whereas, Dr. McGee was chosen as the outstanding General Practitioner of Bowie County, Texas, and Miller County, Arkansas, for the year 1949; and

Whereas, This outstanding Doctor graduated with honors from the University of Tennessee in 1903 and began the practice of medicine at that time, continuing in active practice to date at the age of 79; and

Whereas, The achievements of this distinguished physician and surgeon have not been limited to his chosen profession only, but have extended to civic, business and religious fields, as shown by his record as a school superintendent, mayor, city health officer for 35 years, county health officer since 1943, and Chairman of the Board of Stewards of the First Methodist Church continuously for 35 years; and

Whereas, Dr. McGee has served the surrounding territory of New Boston, Texas, for a period of more than 40 years, going at all hours of the day and night, through all kinds of weather and over all kinds of roads to treat and render service to the good people of Bowie County, Texas; and

Whereas, It is fitting and proper that the State, as well as his community should pay tribute to this deserving man, whose entire life has been a shining example to all who know him and whose remarkable record of accomplishment in both quality and length of service and activity is an inspiration even to those who have never had the privilege of knowing him; and, therefore, be it

Resolved, by the Senate of the Fifty-first Legislature of Texas, That the congratulations of this Body be and are hereby extended to Dr. McGee, for his many deserved honors and long years of humanitarian service to his people; and be it further

Resolved, That copies of this reso-

lution be sent to his sons, Dr. E. B. McGee of New Boston, Texas, and J. R. McGee, Jr., of New Boston, Texas, and to his daughters, Mrs. R. L. Hubbard of New Boston, Texas, and Mrs. Norman Bonham of New Boston, Texas.

The resolution was read and was adopted.

House Bills and Resolutions on First Reading

The following bills and resolutions, received from the House, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 84, to Committee on Criminal Jurisprudence.

H. B. No. 3, to Committee on Privileges and Elections.

H. B. No. 813, to Committee on Criminal Jurisprudence.

H. J. R. No. 32, to Committee on Constitutional Amendments.

H. J. R. No. 38, to Committee on Constitutional Amendments.

H. J. R. No. 41, to Committee on Constitutional Amendments.

H. B. No. 947, to Committee on Game and Fish.

Report of Standing Committee

By unanimous consent, the following report was submitted at this time:

Senator Carney submitted the following report:

Austin, Texas,
May 25, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 947, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Conference Committee on Senate Concurrent Resolution 58

The President announced the appointment of the following conference committee on the part of the Senate on S. C. R. No. 58:

Senators Cousins, Carney, Bullock, Tynan and Kelly of Tarrant.

Recess

Senator Corbin moved that the Senate recess until 10:00 o'clock a.m. tomorrow.

Senator Morris moved that the Senate recess to 2:30 o'clock p.m. today.

Question first recurring on the motion of Senator Corbin, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—17

Aikin	McDonald
Ashley	Moffett
Corbin	Moore
Hardeman	Phillips
Harris	Proffer
Hudson	Taylor
Lane	Tynan
Lock	Weinert
Martin	

Nays—11

Bell	Hazlewood
Bracewell	Jones
Bullock	Kelley of Hidalgo
Carney	Morris
Colson	Strauss
Cousins	

Absent

Kelly of Tarrant Vick
Shofner

The Senate accordingly at 12:10 o'clock p.m., took recess until 10:00 o'clock a.m. tomorrow.

FIFTY-THIRD DAY (Continued)

(Thursday, May 26, 1949)

AFTER RECESS

The Senate met at 10:00 o'clock a.m. and was called to order by the President.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Senator Taylor submitted the following reports:

Austin, Texas,
May 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 205, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

TAYLOR, Chairman.

Austin, Texas,
May 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 845, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

TAYLOR, Chairman.

Austin, Texas,
May 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 88, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass as amended and be printed.

TAYLOR, Chairman.

Austin, Texas,
May 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 485, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

TAYLOR, Chairman.

Austin, Texas,
May 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 484, have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be printed.

TAYLOR, Chairman.